

REGULATORY SUB-COMMITTEE

AGENDA

WEDNESDAY 14 OCTOBER 2015

6.30 PM

**ROOM 2, CIVIC OFFICES
CENTRAL MILTON KEYNES**

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Email to jane.crighton@milton-keynes.gov.uk or dino.imbimbo@milton-keynes.gov.uk

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Councillors: Alexander, Morris and Patey-Smith

If you have any enquires about this agenda please contact Dino Imbimbo, Democratic Services Manager, Tel: (01908) 252458 or E-mail: Dino.imbimbo@milton-keynes.gov.uk

AGENDA

1. **Appointment of Chair**

The Chair of the Regulatory Committee, shall Chair meetings of the Regulatory Sub-Committee, if present. In the absence of the Chair, the Vice-Chairs of the Regulatory Committee, shall Chair meetings of the Regulatory Sub-Committee. In the absence of both the Chair and the Vice-Chairs, the Regulatory Sub-Committee will, as its first item of business, appoint a Chair from its Membership.

2. **Chair's Announcement**

The Chair to welcome and introduce all in attendance at the meeting.

3. **Apologies for Absence**

4. **Regulatory Sub-Committee Procedure**

The Chair will outline the procedure to be followed by the Regulatory Sub-Committee for renewal applications, which is set out at Item 4(a) (**Pages 5 to 6**), and the procedure to be followed for review hearings, which is set out at Item 4(b) (**Pages 7 to 8**).

5. **Exclusion of Public and Press**

To consider excluding the public and press representatives by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Committee may consider the following matters:

Item 6 (Renewal Application for Private Hire and Hackney Carriage Driver Licences)

Item 7 (Review of Private Hire and Hackney Carriage Driver Licences)

6. **Renewal Application for Private Hire and Hackney Carriage Driver Licences**

To consider Item 6 (**circulated under separate cover**), which is not for publication by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972.

7. **Review of Private Hire and Hackney Carriage Driver Licences**

To consider Item 7 (**circulated under separate cover**), which is not for publication by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972.

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Meeting Attended: Regulatory Sub-Committee

Date of Meeting: 14 October 2015

Comments:.....

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Contact details:.....

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**REGULATORY SUB-COMMITTEE
PROCEDURE FOR DEALING WITH HEARINGS
FOR DRIVER LICENCE RENEWAL APPLICATIONS**

1. The Chair to propose excluding the public and press representatives by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Sub-Committee may continue with the hearing.
2. On being seconded, voted upon and carried, the public, press and officers with no connection with the item, leave the room.
3. The Chair will introduce the Sub-Committee Councillors and colleagues and explain their roles for the purpose of the hearing.
4. The Chair will explain the procedure to be followed by the Sub-Committee, which will normally take the form of:
 - (a) The colleague will introduce his report, but make no recommendations regarding a decision on issues to be considered by the Sub-Committee. The colleague is permitted to call any witness or present any information in support of their case.
 - (b) The Sub-Committee may ask questions of the colleague.
 - (c) The applicant or the applicant's representative may ask questions of the colleague.
 - (d) The applicant or the applicant's representative will then present their case. The applicant is permitted to call any witnesses or present any information in support of their case.
 - (e) The colleague has the opportunity to ask questions of the applicant or the applicant's representative.
 - (f) The Sub-Committee may ask questions of the applicant and/or the applicant's representative.
 - (g) Parties will be invited to sum up their case in the following order:
 - (i) The colleague will be invited to sum up his case.
 - (ii) The applicant or the applicant's representative will be invited to sum up their case.
 - (h) The Sub-Committee will be invited to adjourn to come to its decision. Upon adjournment, all parties will withdraw, directly or through retirement of the Sub-Committee. The only colleague who may remain with the Sub-Committee during its adjournment shall be the legal advisor.

- (i) Where the Sub-Committee has to make a decision at the end of the hearing, all parties will be called back and informed orally of the decision of the Sub-Committee and any conditions made, with the reasons for those conditions.
- 5. The Regulatory Sub-Committee may choose to take one of the following options:
 - (a) allow the application to proceed in this case; or
 - (b) refuse the application.
- 6. The Committee will reconvene and inform all present of its decision. If the applicant is not present during this part of the meeting a letter will be sent to the Licence Holder within 5 working days of the hearing.
- 7. If the Sub-Committee decides to refuse a licence, the applicant has the right to appeal to the magistrate's court within 21 days of notification.

At any stage, the Committee may seek 'advice/clarification' from its legal representative, adjourning the meeting if necessary.

**REGULATORY SUB-COMMITTEE
PROCEDURE FOR DEALING WITH REVIEW HEARINGS
FOR DRIVER'S WITH A LICENCE**

1. The Chair to propose excluding the public and press representatives by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Sub-Committee may continue with the hearing.
2. On being seconded, voted upon and carried, the public, press and officers with no connection with the item, leave the room.
3. The Chair will introduce the Sub-Committee Councillors and colleagues and explain their roles for the purpose of the hearing.
4. The Chair will explain the procedure to be followed by the Sub-Committee, which will normally take the form of:
 - (a) The colleague will introduce his report, but make no recommendations regarding a decision on issues to be considered by the Sub-Committee. The Officer is permitted to call any witness or present any information in support of their case.
 - (b) The Sub-Committee may ask questions of the colleague.
 - (c) The License Holder or the Licence Holder's representative may ask questions of the colleague.
 - (d) The Licence Holder or the Licence Holder's representative will then present their case. The Licence holder is permitted to call any witnesses or present any information in support of their case.
 - (e) The colleague has the opportunity to ask questions of the Licence Holder or the License Holder's representative.
 - (f) The Sub-Committee may ask questions of the License Holder and the License Holder's representative.
 - (g) Parties will be invited to sum up their case in the following order:
 - (i) The colleague will be invited to sum up his case.
 - (ii) The Licence Holder or the Licence Holder's representative will be invited to sum up their case.
 - (h) The Sub-Committee will be invited to adjourn to come to its decision. Upon adjournment, all parties will withdraw, directly or through retirement of the Sub-Committee. The only colleague

who may remain with the Sub-Committee during its adjournment shall be the legal advisor.

- (i) Where the Sub-Committee has to make a decision at the end of the hearing, all parties will be called back and informed orally of the decision of the Sub-Committee and any conditions made, with the reasons for those conditions.
5. The Regulatory Sub-Committee may choose to take one of the following options:
 - (a) Take no further action.
 - (b) Formal caution.
 - (c) Suspension of his Private Hire driver licence and Hackney Carriage driver licence for a period considered appropriate.
 - (d) Revocation of Private Hire driver licence and Hackney Carriage driver licence (with or without immediate effect).
6. The Committee will reconvene and inform all present of its decision. If the Licence Holder is not present during this part of the meeting a letter will be sent to the Licence Holder within 5 working days of the hearing.
7. If the Sub-Committee decides to revoke or suspend a licence, the Licence holder has the right to appeal to the magistrate's court within 21 days of notification.

At any stage, the Committee may seek 'advice/clarification' from its legal representative, adjourning the meeting if necessary.